

CITY OF TIGARD, OREGON

ORDINANCE NO. 04-07

**AN ORDINANCE CONCERNING THE VACATION OF AN APPROXIMATELY 4,387 SQUARE FOOT PORTION OF PUBLIC RIGHT-OF-WAY BETTER KNOWN AS SW 72<sup>nd</sup> AVENUE WHICH LIES TO THE SOUTHWEST OF THE BORDERS/BED BATH AND BEYOND COMMERCIAL CENTER, IN THE CITY OF TIGARD, WASHINGTON COUNTY, OREGON (VAC2004-00001), AND DECLARING AN EMERGENCY.**

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WHEREAS, the Tigard City Council initiated this vacation request pursuant to Section 15.08.040 of the Tigard Municipal Code on May 11<sup>th</sup>, 2004, and has been recommended by the Community Development Department; and

WHEREAS, the approximate 4,387 square foot portion of the public right-of-way had previously been dedicated to the public; and

WHEREAS, the applicant has requested that the City of Tigard vacate an approximate 4,387 square foot portion of public right-of-way as described in **Exhibits "A-1, A-2, A-3"** and shown in **Exhibits "B-1, B-2, B-3"** better known as SW 72<sup>nd</sup> Avenue; and

WHEREAS, the said portion of public right-of-way is no longer necessary because of the realignment of SW 72<sup>nd</sup> Avenue in conjunction with the new Bridgeport Village commercial center; and

WHEREAS, the City will no longer have maintenance responsibility of this area; and

WHEREAS, all affected service providers, including utility companies and emergency service providers, have reviewed the vacation proposal and have provided no objections, provided the existing 50-foot-wide utility easement is extended to cover utility lines within the vacated area; and

WHEREAS, notice has been mailed to all property owners abutting said vacation area and all owners in the affected area, as described by ORS 271.080; and

WHEREAS, in accordance with Tigard Municipal Code 15.08.120, notice of the public hearing was posted in the area to be vacated and published in the newspaper; and

WHEREAS, the property owners of the majority of the area affected have not objected in writing; and

WHEREAS, the City Council having considered the request on July 13, 2004, finds that it is in the public interest to approve the request to vacate said public right-of-way as the public interest will not be prejudiced by this vacation, as provided by ORS 271.120 and TMC Section 15.08.130; and

WHEREAS, the vacation of said public right-of-way is imperative to the success of the redevelopment of the Durham Quarry site for the mixed-use "Bridgeport Village" project.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

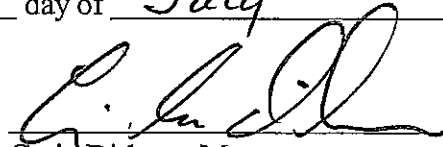
SECTION 1: The Tigard City Council hereby orders the vacation of said 4,387 square foot portion of public right-of-way as shown and described in the attached **Exhibits "A" and "B"** (legal descriptions and maps of the areas to be vacated), and by this reference, made part thereof.

SECTION 2: An emergency is declared as the redevelopment of the Village Inn restaurant is contingent upon the realignment of SW 72<sup>nd</sup> Avenue and the relocation of the Village Inn restaurant in a prompt manner to enable the Village Inn to reopen at the earliest date possible; and the street vacation approved herein is necessary to accommodate the realignment and relocation of these facilities; therefore, this ordinance shall take effect immediately upon passage.

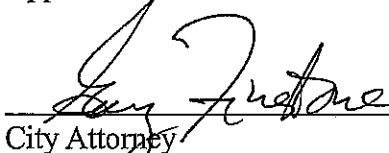
PASSED: By unanimous vote of all Council members present after being read by number and title only, this 13<sup>th</sup> day of July, 2004.

  
Jane McGarvin, Deputy City Recorder

APPROVED: By Tigard City Council this 13<sup>th</sup> day of July, 2004.

  
Craig Dirksen, Mayor

Approved as to form:

  
City Attorney

7/13/04  
Date



3300 NW 211<sup>th</sup> Terrace  
Hillsboro, OR 97124  
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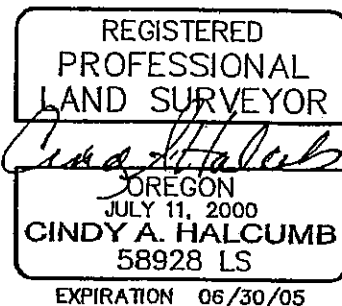
**"AREA NO. 6"***Legal Description***March 15, 2004**

A portion of the Northeast  $\frac{1}{4}$  of Section 13, Township 2 South, Range 1 West, Willamette Meridian, County of Washington, State of Oregon, being more particularly described as follows:

Commencing at the 2-Inch Brass Disk marking the East  $\frac{1}{4}$  Corner of Section 13, Township 2 South, Range 1 West, Willamette Meridian; thence along the North line of the Southeast  $\frac{1}{4}$  of said Section 13, N88°50'31"W, 1300.21 feet to the True Point of Beginning; thence continuing along said line, N88°50'31"W, 47.81; thence leaving said line, along a line parallel with and 20.00 feet distant and Westerly from the Centerline of S.W. 72<sup>nd</sup> Avenue, N01°39'53"E, 27.25 feet; thence leaving said line, along the arc of a 35.00 foot radius non-tangent curve concave to the Southwest, through a Central angle of 41°46'45" (Chord bears S71°21'03"E, 24.96 feet) a distance of 25.52 feet to a point of tangency; thence S50°27'42"E, 25.83 feet to a point of curvature; thence along the arc of a 18.00 foot radius curve concave to the Southwest, through a Central angle of 16°18'44" (Chord bears S42°18'26"E, 5.11 feet) a distance of 5.12 feet to the North line of the Southeast  $\frac{1}{4}$  of said Section 13 and the True Point of Beginning.

Containing 846 Square Feet (0.019 Acres).

The Basis of Bearings is S88°50'31"E along the North line of the Southeast  $\frac{1}{4}$  of Section 13, Township 2 South, Range 1 West, Willamette Meridian per Survey Number 29,487.



EXPIRATION 06/30/05



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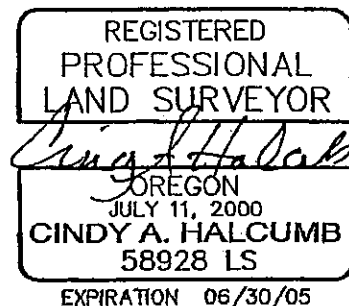
**"AREA NO. 9"****March 15, 2004***Legal Description*

A portion of the Northeast  $\frac{1}{4}$  of Section 13, Township 2 South, Range 1 West, Willamette Meridian, County of Washington, State of Oregon, being more particularly described as follows:

Commencing at the 2-Inch Brass Disk marking the East  $\frac{1}{4}$  Corner of Section 13, Township 2 South, Range 1 West, Willamette Meridian; thence along the South line of the Northeast  $\frac{1}{4}$  of said Section 13, N88°50'31"W, 1282.84 feet; thence leaving said line, N01°09'29"E, 20.00 feet to the Southwest Corner of that Tract of Land described in deed to Bridgeport Land LLC, recorded in Document Number 97061240, Washington County Deed Records; thence along the West line of said Tract of Land, N01°39'53"E, 35.80 feet to the True Point of Beginning; thence leaving said line, N50°27'42"W, 26.77 feet to a point of curvature; thence along the arc of a 35.00 foot radius curve concave to the East, through a Central angle of 75°14'47" (Chord bears N12°50'18"W, 42.73 feet) a distance of 45.97 feet to a point of reverse curvature; thence along the arc of 471.00 foot radius curve concave to the Northwest, through a Central angle of 13°57'54" (Chord bears N17°48'09"E, 114.52 feet) a distance of 114.80 feet to the West line of said Bridgeport Land LLC Tract of Land; thence along said line, S01°39'53"W, 167.81 feet to the True Point of Beginning.

Containing 2,965 Square Feet (0.068 Acres).

The Basis of Bearings is S88°50'31"E along the South line of the Northeast  $\frac{1}{4}$  of Section 13, Township 2 South, Range 1 West, Willamette Meridian per Survey Number 29,487.





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**"AREA NO. 25"****February 15, 2004***Legal Description*

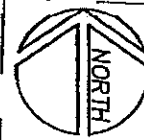
A portion of the Northeast  $\frac{1}{4}$  of Section 13, Township 2 South, Range 1 West, Willamette Meridian, County of Washington, State of Oregon, being more particularly described as follows:

Commencing at the 2-Inch Brass Disk marking the East  $\frac{1}{4}$  Corner of Section 13, Township 2 South, Range 1 West, Willamette Meridian; thence along the North line of the Southeast  $\frac{1}{4}$  of said Section 13, N88°50'31"W, 1348.02 feet to the True Point of Beginning; thence continuing along said line, N88°50'31"W, 25.00; thence leaving said line, along a line parallel with and 45.00 feet distant and Westerly from the Centerline of S.W. 72<sup>nd</sup> Avenue, N01°39'53"E, 14.35 feet to a point of non-tangent curvature; thence leaving said line, along the arc of a 35.00 foot radius curve concave to the Southeast, through a Central angle of 47°34'30" (Chord bears N63°58'19"E, 28.23 feet) a distance of 29.06 feet to a point of non-tangency; thence along a line parallel with and 20.00 feet distant and Westerly from said Centerline, S01°39'53"W, 27.25 feet to the True Point of Beginning.

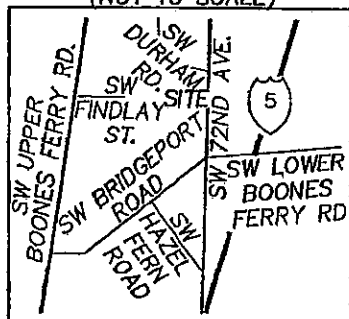
Containing 576 Square Feet (0.013 Acres).

The Basis of Bearings is S88°50'31"E along the North line of the Southeast  $\frac{1}{4}$  of Section 13, Township 2 South, Range 1 West, Willamette Meridian per Survey Number 29,487.





1"=100'

VICINITY MAP  
(NOT TO SCALE)COUNCIL  
VIEW ACRES

S.W. 72ND AVENUE

13

12

FOUND 3/4" IRON PIPE  
RECOGNIZED CENTER  
OF SECTION 13BASIS OF BEARINGS - SN 29487  
S88°50'31"E 2656.38'FOUND 2" BRASS  
DISK IN MON BOX  
EAST 1/4 CORNER  
OF SECTION 13

31

32

33

TUALATIN  
VALLEY  
HOMES

82

83

AREA  
846 SF  
(0.019 AC)N88°50'31"W 1300.21'  
JEAN ROAD

P.O.B.

S.W. BRIDGEPORT ROAD

## LINE TABLE

LINE	LENGTH	BEARING
L1	47.81'	N88°50'31"W
L2	27.25'	N01°39'53"E
L3	25.83'	S50°27'42"E

## CURVE TABLE

NO	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	25.52'	35.00'	41°46'45"	24.96'	S71°21'03"E
C2	5.12'	18.00'	16°18'44"	5.11'	S42°18'26"E

REGISTERED  
PROFESSIONAL  
LAND SURVEYORCINDY A. HALCUMB  
OREGON  
JULY 11, 2000  
58928 LS

EXPIRATION 06/30/05

OPUS NORTHWEST  
1000 SW BROADWAY, SUITE 1130  
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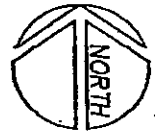
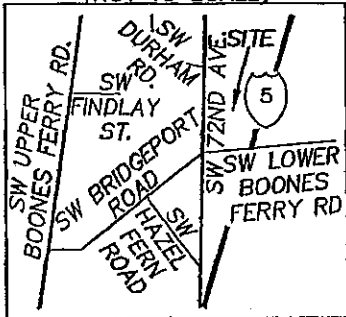
AREA NO. 6  
IN THE NORTHEAST 1/4 OF SECTION 13  
T. 2S., R. 1W., W.M.  
WASHINGTON COUNTY, OREGON

2751SAA.DWG

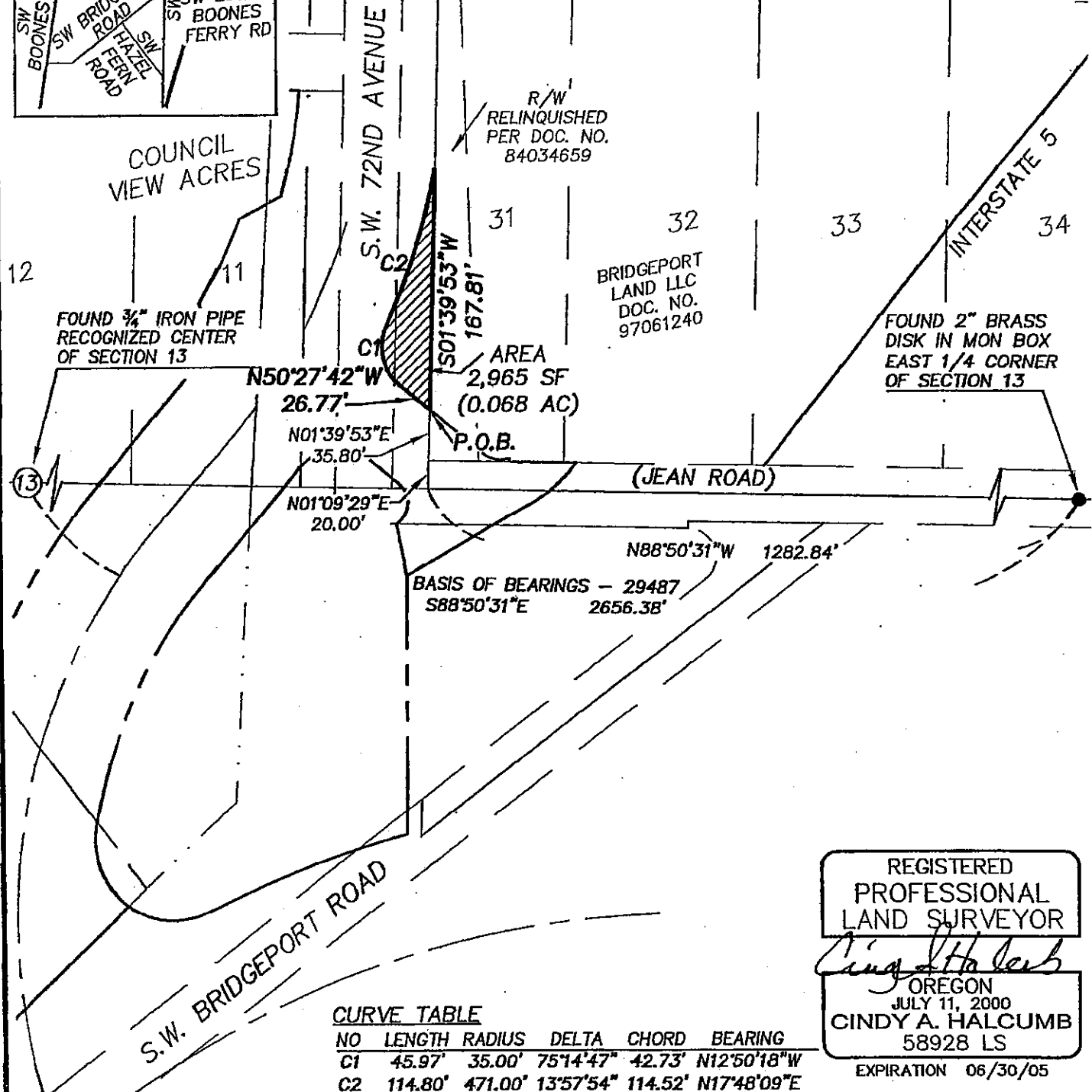
3/15/04

CAH

JOB NO.:  
2751DRAWING NO.:  
1 of 1

VICINITY MAP  
(NOT TO SCALE)

1"=100'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Cindy A. Halcumb*  
OREGON  
JULY 11, 2000  
CINDY A. HALCUMB  
58928 LS

EXPIRATION 06/30/05

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AREA NO. 9  
IN THE NORTHEAST 1/4 OF SECTION 13  
T. 2S., R. 1W., W.M.  
WASHINGTON COUNTY, OREGON

2751SAB.DWG

3/15/04

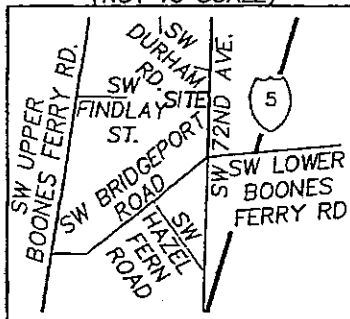
CAH

2751

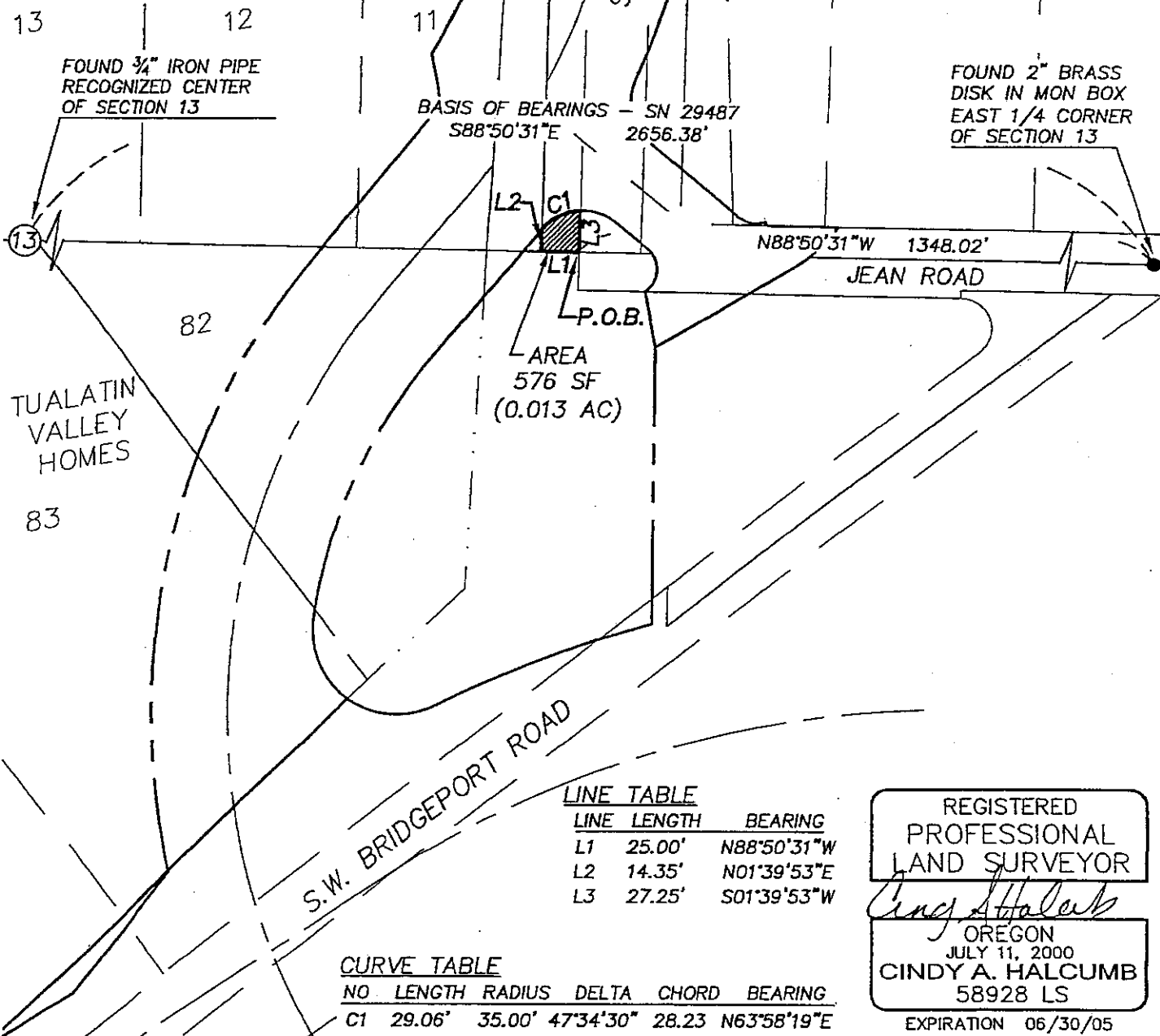
DRAWING NO.

1

OF 1

VICINITY MAP  
(NOT TO SCALE)

1"=100'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Cindy A. Halcumb*  
OREGON  
JULY 11, 2000  
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Planners  
Engineers  
Surveyors

DRAWING TITLE

AREA NO. 25  
IN THE NORTHEAST  $\frac{1}{4}$  OF SECTION 13  
T. 2S., R. 1W., W.M.  
WASHINGTON COUNTY, OREGON

2751SA25.DWG

2/15/04

CAH

JOB NO.

2751

DRAWING NO.

1

OF 1



## BALL JANIK LLP

A T T O R N E Y S

101 SOUTHWEST MAIN STREET, SUITE 1100  
PORTLAND, OREGON 97204-3219

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TELEPHONE 503-228-2525

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KRISTIN UDVARI  
ALSO ADMITTED IN WASHINGTON

kudvari@bjllp.com

March 17, 2004

RECEIVED C.O.T.  
MAR 17 2004  
Administration

BY MESSENGER

City Council  
City of Tigard City Hall  
13125 SW Hall Blvd.  
Tigard, OR 97223Re: Request to Vacate Portions of Former SW 72<sup>nd</sup> Avenue Right-of-Way

Dear Council Members:

Ball Janik LLP represents Opus Northwest, L.L.C., one of the developers of Bridgeport Village. As part of the Bridgeport Village project, SW 72<sup>nd</sup> Avenue is being realigned, as depicted on the attached maps. Therefore, the land underlying the former route of SW 72<sup>nd</sup> Avenue should be vacated and conveyed to the appropriate property owners.

The majority of the land underlying the former right-of-way is within the jurisdiction of the City of Tualatin. However, the three small segments (0.1 acres total) depicted on the attached maps are subject to Tigard's jurisdiction. Therefore, pursuant to Tigard Municipal Code Section 15.08, Opus Northwest, L.L.C. hereby requests that the City Council initiate the vacation process for the portions of the former right-of-way of SW 72<sup>nd</sup> Avenue described in the attached legal descriptions. As required by TMC § 15.08, attached are legal

City of Tigard  
March 17, 2004  
Page 2

descriptions, maps showing the areas to be dedicated, and a check in the amount of \$1,709 for the application fee.

Sincerely,



Kristin Udvari

KU:jmm  
Enclosures

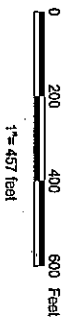
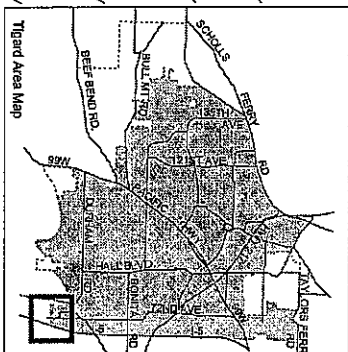
cc: Mr. Matt Scheidegger, City of Tigard  
Ms. Kim McMillan, City of Tigard  
Mr. Greg Miller, Washington County  
Mr. Ken Bauer, Washington County  
Mr. Mike McKillip, City of Tualatin  
Mr. Roger Hansen, ODOT  
Mr. Bruce Wood, Opus Northwest, L.L.C.  
Mr. Tom Parsons, Opus Northwest, L.L.C.

# VICINITY MAP

VAC2004-00001

72ND AVENUE PUBLIC  
RIGHT-OF-WAY VACATION

Approximate Location  
of Area Being Vacated



Information on this map is for general location only and should be verified with the Development Services Division, 13125 SW Hall Blvd, Tigard, OR 97223 (503) 639-4171 <http://www.cityoftigard.or.us>